



ORIGINAL
UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
 Washington, D.C. 20230

EX PARTE OR LATE FILED

AUG 21 2002

RECEIVED

AUG 29 2002

**FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY**

Mr. Edmond J. Thomas
 Chief
 Office of Engineering and Technology
 Federal Communications Commission
 445 - 12th Street, S.W.
 Washington, DC 20554

RE: Notice of Proposed Rulemaking, Amendment of Parts 2 and 97 of the
 Commission's Rules to Create a Low Frequency Allocation for the Amateur
 Radio Service, ET Docket No. 02-98

Dear Mr. Thomas:

The amateur radio service has been important to this nation for many years, and the National Telecommunications and Information Administration (NTIA) welcomes the Commission's efforts to provide new allocations to support amateur radio services. Amateur services currently share spectrum with federal users in several bands and have been good spectrum neighbors. NTIA, in consultation with the Interdepartment Radio Advisory Committee, offers the following comments and concerns about the Commission's current proposal.¹

NTIA supports the Commission's proposal to amend the United States Table of Frequency Allocations and Part 97 of its Rules by adding a secondary allocation for the amateur service in the 135.7-137.8 kHz band. As the Commission notes, Federal usage in this band is light and the potential for interference is small.²

NTIA opposes, however, the Commission's proposal to amend the United States Table of Allocations and Part 97 of its Rules to add a secondary allocation for the amateur service in the

¹ Notice of Proposed Rulemaking (NPRM), *Amendment of Parts 2 and 97 of the Commission's Rules to Create a Low Frequency Allocation for the Amateur Radio Service*, ET Docket No. 02-98, RM-9409; *Amendment of Parts 2 and 97 of the Commission's Rules Regarding an Allocation of a Band near 5 MHz for the Amateur Radio Service*, RM-10209; *Amendment of Parts 2 and 97 of the Commission's Rules Concerning the Use of the 2400-2402 MHz Band by the Amateur and Amateur-Satellite Services*, RM-9949 (released May 15, 2002).

² NPRM at ¶¶ 22-28.

No. of Copies rec'd 0
 List ABCDE

5250-5400 kHz portion of the high frequency (HF) band at this time.³ HF bands are currently used extensively by federal agencies for emergency services, including communications support for the Department of Defense, Coast Guard operations, Department of Justice law enforcement, and back-up or emergency uses by twelve other federal agencies. NTIA believes the Commission's current proposal does not adequately provide for protection from harmful interference to these critical government operations primary in the band.

Federal agencies need immediate access to these HF frequencies in times of emergency. The Commission's proposal does not offer any procedure for a federal agency to immediately reclaim a frequency for emergency use once amateur operations have been established nor would the Commission's existing interference complaint process resolve interference to federal emergency operations in real time. Moreover, amateur operators using some of the modes of operation proposed in the NPRM may not be able to hear or recognize a federal station's attempt to communicate because of the difference in modulation types, thus the "listen before transmit" protocol proposed to be used by amateur operators would not avoid causing harmful interference in all instances,⁴ and may prevent federal stations from establishing communications.

Some federal agencies utilizing this portion of the HF band have automatic link establishment (ALE) systems that sample channels periodically to determine channel availability. Amateur operations on these channels would preclude ALE systems from sampling a channel successfully for the necessary propagation data for the channel, thereby eliminating an otherwise usable channel, or possibly the best channel, from the agency's frequency list.

Some Coast Guard operations in this frequency band are from small boats that may be engaged in search-and-rescue operations. In general, these boats have low power systems with less efficient antennas than many amateur operators on 1.5 kW stations with gain antennas. Thus, the boats may be forced to use less optimal frequencies to perform their search-and-rescue missions if an amateur station is otherwise using the HF channels in this band.

The Department of Commerce noted the requirement for an amateur allocation of about 50 kHz in the vicinity of 5 MHz, shared with federal users.⁵ The petitioner is incorrect in stating that NTIA indicated that 500 kHz was the spectrum requirement.

Without a fuller understanding of the potential for harmful interference to these federal operations, NTIA believes that adding a secondary allocation for the amateur services in the 5250-5400 kHz portion of the HF band is premature. NTIA will work with the federal agencies, the Commission, and the amateur radio community to determine whether some future

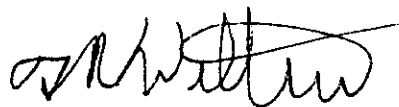
³ *Id.* at ¶¶ 38-40.

⁴ *See id.* at ¶ 38.

⁵ *See* NPRM at ¶ 33, n. 72.

accommodation of the amateur service in this portion of the band would be possible, including consideration of limits on radiated power or emission types, reduction of the proposed allocated bandwidth, use of discrete frequencies rather than a band of frequencies, geographic restrictions, or other means to mitigate potential interference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fredrick R. Wentland', written in a cursive style.

Fredrick R. Wentland
Acting Associate Administrator
for Spectrum Management